Doc

Per Residential Concepts documents

Please file the following response with the court in to case 12-12020-(MG) Residential Capital VS Kristin Karmazyn

orecfosure agreement DOC 8038-11 Exhibit K

GMAC foreclosed on the house 10/5/2009. We Received the money order on 10/7 saying that it was not the right amount was a mistake made. There own statement and documentation show that I was wrongful foreclosed on and I should be compensated or given the house back. Per GMAC records it show my call into them asking what hey sold the house , I was told it was the wrong amount and I showed them it was the amount the told me, they said there PER PARAGRAPH 5 - A payment must the made in the amount of 1244.65 (9/29/2009) , a money order was sent and received on 10/3/2009

March that was a legal document with Homecoming financial not GMAC I was also like to point out the first legal document I signed with GMAC was is in July 2009 and we followed exactly what they said to do . In court When they were referring to the loan modifications from

THIS STATEMENT SHOWS MY 2000.00 WAS ACCEPTED AND NOT REVERESED , STATEMENT DOC 8038-1 EXHIBIT SUBMITTED ON 1-28 A HAS BEEN CHANGED TO SAY THIS PAYMENT WAS REVERSED. l believe the statements have been altered for this case WOULD LIKE TO BRING TO THE COURTS ATTENTION THAT THE FOLLOWING STATEMENT ATTACHED WAS SUBMITTED BY GMAC ON 01/09/2015 DOC 7967-8 EXHIBIT G

GMAC in past documents stated that the \$4000.00 payment in May was returned, as I have sated many times it was never returned per their own statement DCO 8038-1 Exhibit A The \$4000.00 payment was entered and accounted for it was never reversed from their account and we never received the payment back

because they accepted the money.

This payment was made to Homecoming financial

The agreement signed with GMAC was in July 2009 and we did send money order but they said wrong amount which was the correct amount

Per Residential documents

The following payments were paid in 2009 and applied to my account

Faid to Homecoming Financial Heald to Homecoming Financial Light to Homecoming Financial Paid to Homecoming Financial February June MAY ᇵ October 3 200 Money order Sept 3 2009 Money order SECK SECK CHECK CHECK Money order 1525.00 and 1042.41 1,313.42 2,698.58 payment applied by Residential 2,000,00 Payment accepted on statement 2,000.00 4,000.00 Payment accepted on statement on 1-8 not returned but on statement submitted on 01/28 it is reversed payment applied by Residential payment applied by Residential Payment made to Homecoming but reversed saying they returned I cannot prove it was not returned 1530.00 money order sent returned saying it was wrong amount needed to be 1244.66 1244.61 sent GMAC RECEIVED 10/3 FORECLOSED 10/5 SENT BACK TO ME ON 10/7 payment applied PER DOCUMENT PER DOCUMENT PER DOCUMENT PER DOCUMENT DOC 8038-1 EXHIBIT A PAGE 3-34 DOC 8038-1 EXHIBIT A PAGE 3-34 per Document 8038-10 Exhibit J per Document 8038-10 Exhibit L

also see DOC 8038 PAGE 5 OF 6

In October 23 I called and asked about all my payments I made they stated they do not have to reimburse us they could apply to loss This payment was applied by GMAC after the foreclosure which was payment made by us but sitting in unapplied 2457.67 DOC 8038-1 EXHIBIT A

I would like to know where the Escrow reimbursements that were sent for 2008-2009. We received no Escrow reimbursement Escrow relmbursement 7388.99 DOC 8038-1 EXHIBIT A

am not sure why we need these when all the document the trust has recorded shows the errors made regarding the foreclosure records , if they have a court order they will open case and retrieve files . If my case is going to be denied because of this lask for a extension and a court order , I I have tried to obtain detail bank statements from Wells Fargo and Chase where my husband had account, since five years has past they have expunged

) would also like the court to have GMAC to submit Homecoming financial statement. It would show these payments in question in detail

Kristin Karmazyn 720-314-0188

RECEIVED

FEB 10

U.S. BANKRUPTCY COURT, SDNY

12-12020-mg Doc 8183 Filed 02/10/15 Entered 02/24/15 15:26:44 Main Document Pg 2 of 8

12-12020-mg Doc 8038 Filed 01/28/15 Entered 01/28/15 15:41:07 Main Document Pg 5 of 6

hereto as Exhibit I. On September 23, 2009, the Karmazyns attempted to make a payment in the amount of \$1,530, but that check was returned that same day because it was not enough to reinstate the account, as the repayment plan was no longer active. See September 23, 2009

Letter, attached hereto as Exhibit J.

On September 24, 2009, the Debtors'spoke with the Karmazyns over the phone and initiated a new trial plan that required a payment of \$1,244.65 due October 5, 2009 (the "September Trial Plan"). See September Trial Plan, attached hereto as Exhibit K; see also Karmazyn Servicing Notes. At this time, the Debtors also informed the Karmazyns that the foreclosure sale was scheduled for October 7, 2009, and that the payment would need to be received by October 5, 2009 for the foreclosure to be stopped. See Karmazyn Servicing Noes. The Debtors did not receive a payment by October 5, 2009 and as a result the September Trial Plan was cancelled on October 7, 2009. See id. The Karmazyns sent a payment of \$1,244.65 on October 7, 2009, but this payment was returned that same day because it was not enough to reinstate the account. See October 7, 2009 Letter, attached hereto as Exhibit L. The foreclosure was conducted on October 7, 2009. See Karmazyn Servicing Notes.

² \$1,530 was the amount required under the July Repayment Plan.

³ In the Reply, the Borrower Trust improperly identified the required payment for the September Trial Plan as \$1,530.

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12-12020-mg Doc 8038-11 Filed 01/28/15 Entered 01/28/15 15:41:07 Exhibit K Pg 2 of 5

GMAC Mortgage

3451 Hammond Ave P.O. Box 780 Waterloo, IA 50704-0780

09/24/09

FORECLOSURE REPAYMENT AGREEMENT

MICHAEL A KARMAZYN KRISTIN E KARMAZYN 5153 S UKRAINE ST CO 80015-6561 AURORA -

RE:

Account Number

Property Address

4090

5153 SOUTH UKRAINE STREET CO 80015

AURORA

MICHAEL A KARMAZYN KRISTIN E KARMAZYN ("Customer") and GMAC Mortgage, LLC ("Lender"), in consideration for the mutual covenants set forth in this Foreclosure

Repayment Agreement (the "Agreement"), hereby agree as follows:

1. There is an outstanding debt to the Lender pursuant to a note and mortgage or deed of trust or equivalent security instrument (the "Mortgage") executed on 08/05/05, in the original principal amount of \$294500.00.

- 2. The account is presently in default for non-payment to Lender of the 11/01/08 installment and all subsequent monthly payments due on the Mortgage for principal, interest, escrows and charges.
- 3. The amount necessary to cure the default is \$41749.43 plus such additional amounts that are presently due under the terms of the loan documents as of 09/24/09, and will increase until the default in the account is brought current.
- 4. Lender has instituted foreclosure proceedings against the property securing the Mortgage indebtedness, which proceedings will continue until the default(s) described herein is/are brought current under the terms of the Mortgage, or otherwise cured as provided for in this Agreement.
- 5. Notwithstanding the foregoing, Lender agrees to suspend but not terminate foreclosure activity on the default account, provided we receive the executed Agreement and we receive the initial installment in the amount of \$1244.65 no later than MONTHLY. This executed Agreement can be mailed or faxed to us at:

received n

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12-12020-mg Doc 8038-12 Filed 01/28/15 Entered 01/28/15 15:41:07 Exhibit L Pg 2 of 2

GMAC Mortgage

3451 Hammond Ave P.O. Box 780 Waterloo, IA 50704-0780

10/07/09

MICHAEL A KARMAZYN KRISTIN E KARMAZYN 5153 S UKRAINE ST CO 80015-6561 **AURORA**

RE:

Account Number

Property Address

4090

5153 SOUTH UKRAINE STREET **AURORA** CO 80015

Dear

MICHAEL A KARMAZYN

KRISTIN E KARMAZYN

PLEASE BE ADVISED THAT THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

Enclosed please find official check number 6365505039 in amount of \$1244.65. These funds do not represent the full amount due to reinstate your account at this time.

Your account has been transferred to our attorney to begin foreclosure proceedings. Additional fees and costs have incurred. If it is your intent to reinstate your account in full, please contact the attorney below for the reinstatement amounts. Only the correct amount in the form of certified funds will be acceptable.

CMS Legal Service DBA Castle, 999 18th Street DENVER CO 80202 303-865-1400

If you cannot afford to reinstate your mortgage, there may be alternatives available to help you avoid foreclosure. Contact the Loss Mitigation Department at GMAC Mortgage, LLC immediately at 800-850-4622 to discuss these options.

Foreclosure Department Loan Servicing

7:53

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12-12020-mg Doc 8038-10 Filed 01/28/15 Entered 01/28/15 15:41:07 Exhibit J

<u>GMAC</u> Mortgage

3451 Hammond Ave P.O. Box 780 Waterloo, IA 50704-0780

09/23/09

MICHAEL A KARMAZYN KRISTIN E KARMAZYN 5153 S UKRAINE ST AURORA CO 80015-6561

RE:

Account Number

Property Address

4090

rty Address

5153 SOUTH UKRAINE STREET AURORA CO 80015

Dear

MICHAEL A KARMAZYN

KRISTIN E KARMAZYN

PLEASE BE ADVISED THAT THIS IS AN ATTEMPT TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

Enclosed please find official check number 6365504983 in the amount of \$1,530.00. These funds do not represent the full amount due to reinstate your account at this time.

Your account has been transferred to our attorney to begin foreclosure proceedings. Additional fees and costs have incurred. If it is your intent to reinstate your account in full, please contact the attorney below for the reinstatement amounts. Only the correct amount in the form of certified funds will be acceptable.

CMS Legal Service DBA Castle, 999 18th Street DENVER CO 80202 303-865-1400

If you cannot afford to reinstate your mortgage, there may be alternatives available to help you avoid foreclosure. Contact the Loss Mitigation Department at GMAC Mortgage, LLC immediately at 800-850-4622 to discuss these options.

Foreclosure Department Loan Servicing

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1	\$0.00	\$2,271.01	(\$2,271.01)	\$0.00	\$0,00	(\$2,271.01)	\$2,271.01	\$0.00	\$11.25	\$2,271.01	(\$2,271.01)	\$0.00	\$190,000.00	\$190,000.00	\$0.00	\$880,61	(\$190,000.00)	(\$190,000.00)	\$0.00	\$0.00	(\$7,678.72)	\$7,678.72	\$0.00	(\$12.50)	(\$7,389.77)	(\$7,389.77)	(\$588.37)	\$2,570.43	\$136.50	\$251,00	\$2,795.83	(\$2.00)	00.0\$	(\$2,271.01)	(\$2,271.01)	\$0,00	\$2,271.01	Entered 0
•	\$0.90	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0,00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0,00	\$0,00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$285,480,45	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0,00	\$0.00	\$0.00	\$0,00	\$0.00	\$0.00	\$0,00	\$0,00	Entered 01/28/15 15.41-87 _{intere} ffxhibit A 34mount To Principal Amt To Escro
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0,00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0,00	∂ Întere兵xhi Amt To
	\$0.00	\$0.00	\$0.00	\$0,00	\$0.00	\$0,00	\$0,00	\$0.00	\$0,00	, \$0.00	\$0.00	\$0,00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,982.06	(\$1,982.06)	\$0,00	\$0.00	\$0.00	\$0.00	(\$588,37)	\$2,570.43	\$0.00	\$0,00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	_{re} र्म्रिप्रांbit A Amt To Escrow Amt
٠	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$11.25	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$880.61	\$0,00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	(\$12.50)	\$0.00	\$0.00	\$0,00	\$0.00	\$136,50	\$251.00	\$2,795.83	(\$2,00)	\$0.00	\$0.00	\$0.00	\$0.00	\$2,271.01	To Fee Amt
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0,00	\$0.00	\$0.00	\$0.00	\$0.00	\$190,000.00	\$0.00	\$0.00	\$0.00	(\$190,000.00)	\$0.00	\$0.00	(\$9,660.78)	\$9,660.78	\$0.00	\$0.00	\$0.00	\$7,389.77	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0,00	\$0.00	(\$2,271.01)	\$0,00	\$0.00	To Unapplied To Credit Funds Amt Insurance Amt
	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0,00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	To Credit Irance Amt
	\$0.00	\$0,00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0,00	\$0.00	\$0.00	\$0.00	\$0,00	\$0.00	\$0.00	\$0.00	\$0,00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,598,62	\$0.00	\$0.00	\$2,598.62	\$0.00	To Late Charge Amt

12-12020-mg Doc 8183 Filed 02/10/15 Entered 02/24/15 15:26:44 Main Document Pq 8 of 8

12-12020-mg Doc 7967-8 Filed 01/09/15 Entered 01/09/15 10:32:16 Exhibit G 2009 HISTORY STATEMENT OF MORTGAGE ACCOUNT Pg 6 of 20

GMAC MORTGAGE PO BOX 780 WATERLOO, IA 50704-0780

2009 DETAIL BY TRANSACTION

10/08 11/02 285480.45

-12.50 10/08 11/09

10/08 11/10

BKY-OTHER

SPEEDPAY FEE

ESC DISB

Refunded of rether

0.00 -1,982.06

0,00

-1,982.06

-12.50

9,660.78

2,271,01

MICHAEL A KARMAZYN 22959 E SMOKY HILL RD APT H308 CO 80015-6749

LOAN TYPE 1-8 CONVENTIONAL ACCOUNT NUM

ESCROW CR LIFE/ LT CHRG/ PRINCIPAL BAL ESCROW BAL UNAPP FUNDS TRANSACTION LAST POST PRINCIPAL INTEREST TRANSACTION AFTER TRAN AFTER TRAN FEES AFTER TRAN PAID DISAB PAID AMOUNT PAID DATE PATD DESCRIPTION -41.27285,912.86 11.25 11.25 08/08 01/13/04 PROP INSPECT -1,326.51 285,912.86 -1285.2408/08 02/03/01 TAX DISB -1.011.69285,709.27 314.82 MArcH 2686.58 09/08 03/24/1 203.59 2168.17 PAYMENT. 1,313.42APRIL PHYMENT 527.40 285, 709.27 -1,011.69 1313.42 09/08 03/24 P/ % MISC RECEIPT 1,313.42 285,709.27 -1.011.69527.40 09/08 04/03 % EXPENSE ADVA 787.50 09/08 04/03/17 1,313.42 -1,011.69 787.50 285,709.27 10.00 09/08 04/03 04 460.00 09/08 04/03 EXPENSE ADVA 1,313:42 285,709.27 -1,011.69 10,00 EXPENSE ADVA 1,313.42 -1,011.69285,709.27 460.00 EXPENSE ADVA 5.32 09/08 04/03 285,709.27 -1.011.691,313.42 5.32 EXPENSE ADVA 125.00 09/08 04/03 285,709.27 -1,011.691,313.42 125.00 EXPENSE ADVA 3,313.42 285,709.27 -1,011.69 09/08 05/04/ 2000.00 MISC RECEIPT 3,313.42 11.25 09/08 05/08/ 11.25 285,709.27 -1,011.69PROP INSPECT -2,296.883,313.42 285,709.27 09/08 05/14/09 2000.00 09/08 06/01/19 MAY DAYMINT reciend TAX DISB 5,313.42 285,709.27 -2,296.88MISC RECEIPT -2,296.88 3,313.42 285,709.27 REVERSAL 11.25 -2,296.88 3,313.42 285,709.27 11.25 09/08 06/10/0/9 PROP INSPECT 3,313.42 -2.296.88285,709.27 83.00 83.00 09/08 07/15 0/9 CORP ADV 3 D 7389.77 09/08 07/27/0 9 Told refund - Never received 10,703.19 -2,296.88 285,709.27 MISC RECEIPT 1525.00 09/08 08/03/0 75 ULE Pay 12,228.19 -2,296.88285,709.27 MISC RECEIPT -2,296.88 12,228.19 285,709.27 11.25 09/08 08/03 0/9 PROP INSPECT 314.82 12,228.19 -1,982.06285,480.45 2567.41 10/08 08/04 3/a228.82 2023.77 PAYMENT 11,185.78 285,480.45 -1,982.0610/08 08/04 -1042.41REVERSAL 9,660.78 285,480.45 -1,982,06 -1525.00 10/08 08/04 REVERSAL 9,660.78 -1,982.06285,480.45 11.25 10/08 09/29 PROP INSPECT MISC RECEIPT 190000.00 10/08 10/16 - AVCTOW 199,660.78 -1,982.06285,480.45 199,660.78 15.93 -1,982.06285,480.45 EXPENSE ADVA 15.93 10/08 10/20 199,660,78 -1,982.0650.00 285,480.45 EXPENSE ADVA 50.00 10/08 10/20 -1,982.06 199,660,78 230,18 285,480.45 230.18 10/08 10/20 EXPENSE ADVA 285,480.45 -1,982.06199,660,78 87.50 EXPENSE ADVA 87.50 10/08 10/20 199,660.78 -1,982.06285,480.45 497.00 EXPENSE ADVA 497.00 10/08 10/20 -1,982.06 9,660.78 285,480.45 BKY-OTHER -190000.00 10/08 10/27 9,660.78 0.00 -1,982.06